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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,810	12/17/1999	DAVID D. BOHN	10991692-1	7982

22879 7590 11/15/2006

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FORT COLLINS, CO 80527-2400

EXAMINER

LESPERANCE, JEAN E

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/471,810

Applicant(s)

BOHN, DAVID D.

Examiner

Jean E. Lesperance

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 61-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed October 27, 2006 is entered and claims 61-69 are pending.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 61-69 is withdrawn in view of the newly discovered reference(s) to Armstrong et al. ("5,729,219"). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 61, 62, and 66- 69 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent # 5,729,219 by Armstrong et al.

Regarding claim 61, Armstrong et al. teach an electronic device (a selective call radio Fig.1 (10) comprising:

a display located on a first side of said electronic device (display Fig.5 (18) located at the top position);

a navigation sensor located on a second side of said electronic device (touchpad Fig.5 (22) located opposite to the display 18 at the bottom position, said second side

Art Unit: 2629

being opposite said first side (the display and the touchpad are mounted directly opposite each other (column 4, lines 20 and 21), wherein said navigation sensor detects movement of a part of a user relative to said navigation sensor located in close proximity to said navigation sensor (the user navigates within the GUI, including selectively viewing messages on the display 18, through the use of the touchpad 22 (column 4, lines 40-42)), and wherein an image displayed on said display is altered in response to said movement of said part of said user relative to said navigation device (The value of the signal changes in accordance with changing coordinates as the fingertip 42 is slid to, or otherwise positioned at, another point 48 (see FIG. 6) on the touchpad 22 (column 4, lines 64-67)).

Regarding claim 62, Armstrong et al. teach said image displayed on said display is altered in response to said movement by moving an image of a cursor (The value of the signal changes in accordance with changing coordinates as the fingertip 42 is slid to, or otherwise positioned at, another point 48 (see FIG. 6) on the touchpad 22 (column 4, lines 64-67)).

Regarding claim 66, Armstrong et al. teach a first button, whereby said movement of said part of said user and said first button may be operated in cooperation to mimic at least one function of a computer mouse being used with a graphical user interface (the selective call radio includes a button 54 on the housing 12 accessible to the user for use with the touchpad 22. The button 54 is used to activate the operation symbolized by a word or icon at which the pointer is positioned. Alternatively, the button

54 also acts as an "on" switch, and the selective call radio 10 automatically turns itself off after a preselected period of inactivity (column 5, lines 11-17)).

Regarding claim 67, Armstrong et al. teach a graphical user interface is being displayed on said display (the user navigates within the GUI, including selectively viewing messages on the display 18, through the use of the touchpad 22 (column 4, lines 40-42)).

Regarding claim 68, Armstrong et al. teach a second button, whereby said movement of said part of said user, said first button, and said second button may be operated in cooperation to mimic more than function of a computer mouse being used with a graphical user interface (the selective call radio includes a button 54 on the housing 12 accessible to the user for use with the touchpad 22. The button 54 is used to activate the operation symbolized by a word or icon at which the pointer is positioned. Alternatively, the button 54 also acts as an "on" switch, and the selective call radio 10 automatically turns itself off after a preselected period of inactivity (column 5, lines 11-17)) where the first button is button 54 and the second button is when button 54 is acted as a switch.

Regarding claim 69, Armstrong et al. teach a graphical user interface is being displayed on said display (the user navigates within the GUI, including selectively viewing messages on the display 18, through the use of the touchpad 22 (column 4, lines 40-42)).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,729,219 by Armstrong et al. in view of US Patent # 5,519,452 ("Parulski").

Regarding claim 63, Armstrong et al. fail to teach said image displayed on said display is altered in response to said movement by panning a second image displayed on at least part of said display.

However, Parulski teaches during manipulation of the image, such as panning, zooming, or changing to a new image, image motion will be apparent on the display (column 6, lines 26-28).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize panning as taught by Parulski in the selective call radio disclosed by Armstrong because this would increase or decrease the upper and lower limits of either the rows or the columns of the sub-matrix.

Regarding claim 64, Parulski teaches said image displayed on said display is altered in response to said movement by scrolling a second image displayed on at least part of said display (during manipulation of the image, such as panning, zooming, or changing to a new image, image motion will be apparent on the display (column 6, lines 26-28).

Regarding claim 65, Parulski teaches said image displayed on said display is altered in response to said movement by showing a different part of a second image, at least part of which is displayed On at least part of said display. (during manipulation of the image, such as panning, zooming, or changing to a new image, image motion will be apparent on the display (column 6, lines 26-28).

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office

Application/Control Number: 09/471,810

Page 7

Art Unit: 2629

whose telephone number is (703) 306-0377.

Jean Lesperance

Art Unit 2629

Date 11/9/2006

A handwritten signature in black ink, appearing to read 'R. Hjerpe', with a stylized, cursive script.

**RICHARD HJERPE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**